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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,370	11/03/2003	Hideki Morikawa	58604-032	1153
7590 07/13/2005 McDermott, Will & Emery 600 13th Street, N.W. Washington, DC 20005-3096			EXAMINER HINZE, LEO T	
			ART UNIT 2854	PAPER NUMBER

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/698,370

Applicant(s)

MORIKAWA ET AL.

Examiner

Leo T. Hinze

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 is/are allowed.
- 6) ☒ Claim(s) 16-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20040220, 20040514.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2854

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 16 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Shiraishi, US 2001-0020427 A1 (Shiraishi).

a. Regarding claim 16, Shiraishi teaches an ink feeding rate control apparatus for adjusting ink feeding rates of a printing machine when performing a printing operation using printing plates with an image recorded thereon based on printing data, said apparatus comprising: image pickup means (§ 16, ll. 4-6) capable of reading a reference print printed with a first printing plate made by recording an image thereon based on first image data for recording a reference chart (§ 11, ll. 2-3) including a plurality of color patches set beforehand, and capable of reading a print with a second printing plate made by recording an image thereon based on second image data for recording a desired image on the printing plates for use in printing; an image memory capable of storing color data of said reference print (“reference color data storage means”, § 13, l. 8) obtained by reading said reference print with said image pickup means, and capable of storing print color data of positions corresponding to predetermined measurement positions by reading, with said image pickup means, said print printed with second printing plate; conversion table (§ 82, l. 8) creating means capable of creating a conversion table based

Art Unit: 2854

on said first image data and said color data of said reference print stored in said image memory and showing a relationship between said first image data and said color data; reference color data converting means (§ 11, ll. 6-7) capable of converting data of said measurement positions of said second image data into reference color data by using said conversion table; and comparing means (§ 11, ll. 14-17) capable of comparing said reference color data provided by said reference color data converting means and said print color data stored in said image memory, to determine whether said print has a proper color tone.

b. Regarding claim 19, Shiraishi also teaches an apparatus capable of selecting measurement positions having a representative color characterizing the image of the print (§ 16, ll. 4-7).

c. Regarding claim 20, Shiraishi also teaches an apparatus capable of determining representative color and the positions thereof for respective sections corresponding to ink keys in each ink well of the printing machine (Shiraishi controls the ink keys and feed rates, § 11, ll. 20-22).

d. Regarding claim 21, Shiraishi also teaches an apparatus capable of determining image data that has three color components, said representative color being determined by classifying pixels in each of sections corresponding to said ink keys according to tones of each of the three color components, and determining said representative color and a position thereof from pixels included in a predetermined class interval (§ 74).

Applicant should not that with regard to claims 19-21, while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. It does not appear that claims 19-21 contain any additional structural limitations.

Art Unit: 2854

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiraishi in view of Okuda, US 2002/0043166 A1 (Okuda).

Regarding claims 17 and 18:

Shiraishi teaches all that is claimed as discussed in the rejection of claim 16 above, except: wherein said reference chart includes a plurality of color patches with successively varying dot percentages for each of YMCK colors (claim 16); and wherein said reference chart includes color

Art Unit: 2854

patches having dot percentages for printing a color corresponding to a particular color to be reproduced faithfully (claim 17).

Okuda teaches a printing press equipped with color measuring apparatus, including a reference chart (Fig. 6b) with color patches that vary in their dot percentage and halftone (§ 73). Okuda teaches that such a reference chart reduces the amount of image data to be handled (§ 8).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Shiraishi to include a reference chart with a plurality of color patches with successively varying dot percentages for each of YMCK colors and with color patches having dot percentages for printing a color corresponding to a particular color to be reproduced faithfully, because Okuda teaches that such a reference chart is advantageous for reducing the amount of image data to be handled.

*Allowable Subject Matter*

6. Claims 1-15 are allowed.
7. The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the prior art of record does not teach or render obvious an ink feeding rate control method having all of the steps and associated structure as claimed, including making a second printing plate by recording an image thereon based on second image data, obtaining print color data for the second print, and adjusting the ink feeding rate based on a comparison between the print color data obtained from the second print and the reference color data obtained from reference color data.

Art Unit: 2854

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (571) 272-2167. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leo T. Hinze  
Patent Examiner  
AU 2854  
8 July 2005

  
**REN YAN**  
**PRIMARY EXAMINER**